

Continuance. 22. AND IT IS HEREBY FURTHER ENACTED, That this Act shall continue in Force to the End of the next Sitting of the Legislature, and no longer.

Passed at Trenton, April 4, 1778.

C H A P. XXI.

An ACT for granting a Bounty upon Wool, Flax and Hemp, raised and sold within the State of New-Jersey.

Preamble. **W**HEREAS increasing the Quantity of Wool, Flax and Hemp in this State, may be of singular Advantage to the Inhabitants thereof.

Bounty. *Secl. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That from and after the Publication of this Act, any Person raising and selling, within this State, either Wool, Flax or Hemp, shall be entitled to receive from the Publick, as a Bounty on the same, the Sum of One Shilling per Pound for good merchantable Sheeps Wool; Nine-pence per Pound for good clean well dressed Flax; and Four-pence per Pound for like Hemp, so raised and sold by any Person residing within this State, to any Inhabitant of the same; which Bounty shall be paid to any Person who shall raise and sell any of the aforesaid Articles, over and above the Quantity sufficient for his or her Family's Use, upon his or her producing a Receipt for the same from the Purchaser, specifying the Seller's Name, the exact Weight of the Article sold, with the Time and Place of Sale; the Truth of which Receipt shall be attested on Oath or Affirmation, before any Justice of the Peace of the County in which he resides; and being exhibited to the Treasurer of the State, he is hereby authorized and directed to pay all such Sums of Money as shall be expressed in all Receipts so taken, attested and exhibited; and the same shall be his sufficient Voucher for the Payment of so much out of the State Treasury.*

Continuance. 2. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That this Act shall continue and be in Force for two Years after the Publication hereof, and from thence to the End of the next Sitting of General Assembly, and no longer.

Passed at Princeton, April 14, 1778.

C H A P. XXII.

An ACT for the Regulating, Training and Arraying of the Militia.

Preamble. **W**HEREAS a well ordered and well disciplined Militia is at all Times necessary to the Safety and Preservation of the State, and more especially when the Invasion and Hostilities of a powerful Fleet and Army

WILLIAM LIVINGSTON, Esquire, Governor.

43

Army call for every vigorous Means of Defence: AND WHEREAS the Laws now in Force for the Regulation and Government of the Militia are in many Respects ineffectual, and, from their Number and Diversity, difficult to be comprehended and executed ;

Sect. 1. BE IT THEREFORE ENACTED by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That from and after the Publication hereof, the Militia of this State shall be divided into two Brigades, as follows, *to wit,* The Militia of the Counties of *Middlesex, Somerset, Essex, Bergen, Morris and Sussex,* shall form one Brigade. And the Militia of the Counties of *Hunterdon, Burlington, Monmouth, Gloucester, Salem, Cumberland and Cape-May,* shall form the other Brigade. Militia to be divided into two Brigades.

2. AND BE IT ENACTED, That each Brigade shall be commanded by a Brigadier or Colonel-Commandant, who shall be empowered to appoint a Major of Brigade. By whom commanded,

3. AND BE IT ENACTED, That each Regiment or Battalion shall be officered with a Colonel, a Lieutenant-Colonel and a Major ; and also with an Adjutant, a Quarter-Master, and, when Circumstances will admit, a Chaplain and a Surgeon ; which regimental Staff-Officers shall be appointed by the Field-Officers, or a Majority of them ; PROVIDED ALWAYS, That where two Majors have been heretofore appointed and commissioned in any Regiment or Battalion, both shall be continued ; but Vacancies happening in the Office of second Major, shall not henceforward be supplied. And how officered.

4. AND BE IT ENACTED, That each Company of the Militia shall be officered with a Captain, a Lieutenant and an Ensign, and also provided with any Number not exceeding four Serjeants and four Corporals, to be elected by the Companies respectively ; and the Commission Officers of each Company shall appoint for the same a Drummer and a Fifer : PROVIDED ALWAYS, That where two Lieutenants have been heretofore appointed and commissioned in any Company, both shall be continued ; but Vacancies happening in the Office of second Lieutenant, shall not henceforward be supplied. Companies, how officered.

5. AND BE IT ENACTED *by the Authority aforesaid,* That the said General, Field and other Commission Officers and Staff-Officers respectively, shall be commissioned by the Governor or Commander in Chief for the Time being, upon due Certification of their Election or Appointment from those who elect or appoint them respectively, or by their Order ; and the Non-commission Officers of Companies shall act under Warrants or Certificates from the Captains or commanding Officers of the Companies to which they severally belong. Officers, by whom commissioned, &c.

6. AND BE IT ENACTED *by the Authority aforesaid,* That each and every Officer, duly elected and commissioned, shall, within two Weeks after receiving his Commission, repair to some Justice of the Peace, or other Person duly authorized by *Dedimus Potestatem* to administer the Oaths of Abjuration and Allegiance, as prescribed in an Act, intitled, *An Act for the Security of the Government of New-Jersey,* passed the nineteenth Day of September, One Thousand Seven Hundred and Seventy- And to take the Oaths.

Penalty for
Neglect.

fix, and there take and subscribe the said Oaths in due Form, a Certificate of which such Justice, or other Person authorized as aforesaid, shall give to the Officer taking the Oaths, who shall transmit it to the Clerk of the Peace of the County, to be entered in a Roll kept for that Purpose. And if any Officer shall neglect to apply and take and subscribe the said Oaths within the Term above limited, he shall, for such Default, forfeit and pay the Sum of *Six Pounds*, to be recovered before any Justice of the Peace of the County wherein such Officer may reside, by any Person who shall sue for the same, one Moiety to the Prosecutor, and the other to the Justice, to be by him paid to the Collector of the County, for the Use of the State; and shall moreover be disqualified and rendered incapable of executing his Office; and his Place shall be supplied by a new Election.

Vacancies of
Commission
Officers, how
filled up.

Proviso.

7. AND BE IT ENACTED, That in every Case where a Vacancy or Vacancies shall happen, by Death, Resignation or otherwise, of any Commission Officer or Officers of any Company, the Captain or commanding Officer of such Company shall, within thirty Days thereafter, call a Meeting of the same; and the Officers and Privates who shall meet at the Time and Place appointed, shall nominate a Clerk to manage the Election, and certify the same when made; and shall, by Plurality of Voices, elect such Officer or Officers as may be wanting. And if the Captain or commanding Officer shall neglect or refuse to give Orders for assembling the Company as aforesaid, he shall forfeit for such Offence *Six Pounds*, to be recovered and applied as aforesaid. And if the Company, on due Notice given, shall neglect to assemble and elect as aforesaid, the Field-Officers of the Regiment or Battalion, or a Majority of them, shall appoint the Officer or Officers necessary to supply the Vacancy or Vacancies in the same, or annex the said Company to any adjacent Company or Companies in the Regiment or Battalion, as they may think proper: PROVIDED ALWAYS, That where no Commission Officer shall remain in any Company, the nearest Field-Officer of the Regiment or Battalion shall give the Orders for assembling the Company as aforesaid.

Vacancies of
Non-commission
Officers, how
supplied.

8. AND BE IT ENACTED, That all Vacancies happening in the Non-commission Officers of any Company, shall be supplied as often as necessary by such Company, when assembled for Training; and if the Company refuse to elect such Non-commission Officers, they shall be appointed by the Commission Officers of the Company, or any two of them; and if any Person shall refuse to serve as a Serjeant, Corporal, Drummer or Fifer, when duly elected or appointed for that Effect, he shall be fined the Sum of *Three Pounds*, to be recovered and applied as aforesaid: PROVIDED ALWAYS, and it is hereby Enacted, That no Person shall be fined more than once in the Space of a Year for refusing to serve in any Office to which he may be elected or appointed.

Lists of effective
Men to be
kept, &c. and
who not to be
enrolled.

9. AND BE IT ENACTED by the Authority aforesaid, That the Captain or commanding Officer of each Company shall keep a true and perfect List or Roll of all effective Men between the Ages of sixteen and fifty Years residing within the Bounds of such Company: PROVIDED ALWAYS, That the Delegates representing this State in the Congress of the United States, the Members of the Legislative-Council and General Assembly, the Judges and Justices of the Supreme and Inferior Courts, the Judge of the Court of Admiralty, the Attorney-General, the Secre-

WILLIAM LIVINGSTON, Esquire, Governor.

45

tary, the Treasurer, the Clerks of the Council and General Assembly, the Clerks of the Courts of Record, the Governor's private Secretary, Ministers of the Gospel of every Denomination, the Presidents, Professors and Tutors of Colleges, Sheriffs and Coroners, one Constable for each Township, to be selected by the Court of Quarter-Sessions of the County, two Ferry-men for each publick Ferry on the *Delaware*, below the Falls at *Trenton*, and one for every other publick Ferry in this State, and Slaves, shall not be borne upon any such List or Roll, or be liable to military Duty.

10. AND BE IT ENACTED, That the Captain or commanding Officer of each Company shall make Return of the Commission and Non-commission Officers and Privates of his Company, and of the State of their Arms, Accoutrements and Ammunition, in the Months of *March* and *October* every Year, to the Colonel or commanding Officer of the Regiment or Battalion to which such Company may belong, under Penalty of *Three Pounds* for each Default; and the Colonel or commanding Officer of each Regiment or Battalion shall make Return of his Regiment or Battalion, and of the State of their Arms, Accoutrements and Ammunition, in the Months of *April* and *November* every Year, to the Brigadier or Colonel-Commandant of the Brigade to which such Regiment or Battalion may belong, under Penalty of *Six Pounds* for each Default; and the Brigadier or Colonel-Commandant of each Brigade shall make Return of his Brigade in the Months of *May* and *December* every Year, to the Commander in Chief of the State, under Penalty of *Ten Pounds* for each Default; which several Penalties shall be recovered from the Officer whose Duty it is to make the Return, by a Justice of the Peace of the County where the Offender may reside, at the Instance of the Officer to whom the Return is in any Case directed to be made, and paid to the Collector of the County where recovered, for the Use of the State.

Returns to be made.

11. AND BE IT ENACTED, That every Person enrolled shall constantly keep himself furnished with a good Musket, well fitted with a Bayonet, Steel Ramrod and Worm, a Cartridge-box, twenty-three Rounds of Cartridges sized to his Musket, a Priming-wire, Brush and twelve Flints, a Knap-sack and Canteen, under the Forfeiture of *Six Shillings* for the Want of a Musket, and *One Shilling* for the Want of any of the other Articles whenever called out to Training or Service, to be recovered and applied as herein after is directed: PROVIDED ALWAYS, That if any Person be furnished as aforesaid, with a good Rifle Gun, the Apparatus necessary for the same, and a Tomahawk, it shall be accepted in Lieu of a Musket and the Bayonet, and other Articles belonging thereto.

How to be equipped.

Provido.

12. AND BE IT ENACTED, That each Person enrolled shall also keep at his Place of Abode one Pound of good merchantable Gun-Powder and three Pounds of Ball, sized to his Musket or Rifle; and for Want of either, shall forfeit the Sum of *Three Shillings*, to be recovered and applied as herein after is directed: PROVIDED ALWAYS, and it is hereby Enacted, That if any Person enrolled shall, by a Majority of the Commission Officers of the Company to which he may belong, be deemed and adjudged unable to purchase the Arms, Accoutrements and Ammunition above specified, he shall be exempted from Forfeiture for any Deficiency therein, until he can procure them, or they are provided for him.

And provided.

Provido.

Examination
of Arms, &c.

Penalty for
Neglect.

13. AND BE IT FURTHER ENACTED, That the Captain or commanding Officer of each Company shall, once in every four Months, order a Serjeant to call at the Place of Abode of each Person enrolled as aforesaid, for the Purpose of examining the State of his Arms, Accoutrements and Ammunition; of which the said Serjeant shall make exact Report to the Officer issuing the Orders; and if any Captain or commanding Officer of any Company shall neglect his Duty in this Respect, he shall forfeit and pay the Sum of *Six Pounds* for each Offence, to be recovered and applied as herein after is directed; and if any Serjeant shall neglect his Duty in this Respect, he shall forfeit and pay for each Offence the Sum of *Forty Shillings*, to be recovered and applied as herein after is directed.

Time of Meeting, and Fines
for Omission.

14. AND BE IT ENACTED by the Authority aforesaid, That each Company shall assemble, properly armed and accoutred, not later than one o'Clock in the Afternoon of the first *Monday* in the Months of *April, May, June, September, October, November* and *December* every Year, at such Place as the Captain or commanding Officer of the Company shall appoint, and there spend the Remainder of the Day in Training and Exercise; and that the Penalty, in case of Absence, shall be as follows: On a Captain, *Thirty Shillings*; on a Lieutenant or Ensign, *Twenty Shillings*; on a Non-commission Officer or Private any Sum not under *Seven Shillings and Six-pence*, nor above *Fifteen Shillings*, and in due Proportion for attending later than the Hour above limited.

Two Field-Days in a Year.

Penalty for
Absence.

Provifo.

15. AND BE IT ENACTED, That each Regiment or Battalion shall assemble, properly armed and accoutred, twice in the Year, at such Times and Place or Places as the Field-Officers, or a Majority of them, shall direct for the Purpose of Training and Exercise; and that the Penalty, in case of Absence, shall be as follows: On a Colonel, *Five Pounds*; on a Lieutenant-Colonel, *Four Pounds*; on a Major, *Three Pounds*; on a Captain or any Staff-Officer, *Forty Shillings*; on a Lieutenant or Ensign, *Thirty Shillings*; on a Non-commission Officer or Private, any Sum not less than *Ten Shillings*, nor more than *Twenty Shillings*, and in due Proportion for attending later than the Hour specified in the Order for meeting: PROVIDED ALWAYS, That if the local Situation of the Companies composing any Regiment or Battalion be such as may render it inconvenient to assemble the Whole at the same Time and Place, it shall and may be lawful for the Field-Officers, or a Majority of them, to assemble such Regiment or Battalion by Parts, at different Times and in different Places, each Part being assembled twice in a Year.

Misbehaviour
on Duty, Penalty there-
for.

16. AND BE IT ENACTED, That if any Field or other Commission Officer or Staff-Officer, at any regimental Review or monthly Training, or on any other Occasion when the Regiment, Battalion or Company to which he may belong, or in which he holds Command, is paraded in Arms, shall misbehave or demean himself in an unofficer-like Manner, he shall, for such Offence, be cashiered or punished by Fine, at the Discretion of a General or Regimental Court-Martial, as the Case may require, in any Sum not exceeding *Ten Pounds*; and if any Non-commission Officer or Private shall, on any Occasion of parading the Company to which he belongs, appear with his Arms and Accoutrements in an unfit Condition, or be found drunk, or shall disobey Orders, or use any reproachful or abusive Language to his Officers, or any of them, or shall quarrel him-

WILLIAM LIVINGSTON, Esquire, Governor.

47

self, or promote any Quarrel among his Fellow-Soldiers, he shall be punished by Fine in any Sum not under *Four Shillings*, nor exceeding *Fifteen Shillings*, or be disarmed and put under Guard by Order of the commanding Officer present, until the Company is dismissed.

17. AND BE IT FURTHER ENACTED, That if the Colonel or commanding Officer of any Regiment or Battalion shall, on any Occasion when it may be necessary, neglect or refuse to give Orders for assembling his Regiment or Battalion at the Direction of the Brigadier or Colonel-Commandant of the Brigade, he shall be cashiered or punished by Fine at the Discretion of a General Court-Martial, not exceeding *Fifty Pounds*, to be recovered and applied as herein after is directed; and if the Captain or commanding Officer of any Company shall, on any Occasion where it may be necessary, neglect or refuse to give Orders for assembling his Company at the Direction of the Colonel or commanding Officer of the Regiment or Battalion to which such Company may belong, he shall be cashiered or punished by Fine at the Discretion of a Regimental Court-Martial, not exceeding *Fifteen Pounds*, to be recovered and applied as herein after is directed; and if any Serjeant or Corporal shall neglect or refuse to warn the Company to which he may belong, on any Occasion when it may be necessary, agreeably to the Orders of the Captain or commanding Officer thereof, he shall be subject to a Fine of any Sum not exceeding *Three Pounds*, to be recovered and applied as herein after is directed.

Penalty on Officers neglecting to assemble the Militia.

18. AND BE IT ENACTED, That the Captain or commanding Officer of each Company shall at all Times keep a true List of his Company, divided into eight Parts or Classes, as nearly equal as possible, and reckoned from one to eight numerically; a Copy of which he shall transmit to the Colonel or commanding Officer of the Regiment or Battalion on every Occasion of making a Return of the Company as aforesaid, under Penalty of the like Fine or Forfeiture for Non-Performance: PROVIDED ALWAYS, That the Artillery Companies shall be excepted from this Regulation.

Lists to be kept, &c.

Provido.

19. AND BE IT ENACTED by the Authority aforesaid, That it shall and may be lawful for the Governor or Commander in Chief for the Time being, with the Consent of the Legislature, when sitting, and during their Recess, with the Advice and Consent of the Privy Council, on Requisition of the Congress of the United States, or upon Application of the Commander in Chief of the Army of the United States, or of any General Officer commanding a Division or Detachment thereof, or of the executive Power of any of the adjoining States, or on other similar Emergency, to order into actual Service in any of the said adjoining States, such and so many Classes of the Militia as may be necessary, not exceeding four at any one Time, to be drawn alike from the several Companies of such Regiments or Battalions as are to furnish the Detachment, and officered accordingly. And in case any Difficulty arise in officering such Detachment, the Brigadier or Colonel-Commandant of each Brigade shall determine the Tour of Duty of the Regimental Officers; the Colonel or commanding Officer of each Regiment or Battalion shall determine the Tour of Duty of the Commission Officers of the Companies; and that the Captain or commanding Officer of each Com-

Who empowered to call out the Militia,

And determine the Tour of Duty.

pany shall determine the Tour of Duty of the Non-commission Officers of his Company.

Four Classes
may be kept
out by Re-
liefs.

20. AND BE IT ENACTED, That it shall and may be lawful for the Governor or Commander in Chief for the Time being, with the Advice and Consent of the Privy Council, to call out, station and continue by Reliefs, as a Defence to the State within the same, such and so many Classes as may at any Time be necessary, not exceeding four, to be arrayed and officered as aforesaid.

The Whole
may be called
in case of sud-
den Invasion.

21. AND BE IT FURTHER ENACTED, That it shall and may be lawful for the Governor or Commander in Chief for the Time being, in case of sudden Invasion, Insurrection, Sedition or Alarm, to call out and array the whole of the Militia, or such and so many entire Regiments or Battalions, situated near to the Place where the Force is required, as he may think necessary to repel the Invasion, and restore the Peace of the State.

When Offi-
cers may act
without Or-
ders.

22. AND BE IT ENACTED, That it shall and may be lawful for the Captain or commanding Officer of any Company, and he is hereby required and commanded to assemble his Company in every such Case, and oppose the Invaders or Insurgents, without waiting for Orders from the Colonel or commanding Officer of the Regiment or Battalion to which such Company may belong; and for the Colonel or commanding Officer of each Regiment or Battalion to assemble his Regiment or Battalion for the same Purpose, without waiting for Orders from his superior Officer: PROVIDED ALWAYS, That every Officer so acting without Orders, shall make Report of his Proceedings in due Form, as soon as possible.

Provido.

Term of Ser-
vice.

23. AND BE IT ENACTED, That when not more than half the Militia is called out and embodied, no Detachment shall be continued in Service more than one Month at the same Time.

Officers, &c.
refusing to
serve in their
Tour, how
punished.

24. AND BE IT ENACTED, That if any Field or other Commission Officer or Staff-Officer shall neglect or refuse to serve in his proper Tour, when a Part only of the Militia is called, or to march immediately with his Regiment, Battalion or Company when the Whole are called, he shall, for each Default, be tried by a General or Regimental Court-Martial, as the Case may require; and if convicted, shall be cashiered and rendered incapable of holding any military Office for the Space of one Year, or shall be punished by Fine, not under *Ten Pounds*, nor above *Fifty Pounds*; and if any Non-commission Officer or Private shall neglect or refuse to serve in his Tour, or within the Space of one Day after Notice given find a sufficient Substitute to serve in his Stead, to be approved by the Captain or commanding Officer of the Company, or shall neglect or refuse to render personal Service when the Whole of the Militia are called, he shall, for each Default, be fined not less than *Five Pounds*, nor above *Fifty Pounds*.

Fines, by
whom assess-
ed.

25. AND BE IT ENACTED *by the Authority aforesaid*, That all Fines and Forfeitures herein before declared and imposed, for the Assessment, Recovery or Application of which no special Provision is made, shall be assessed by the military Officers, and recovered and applied in Manner herein

WILLIAM LIVINGSTON, Esquire, Governor.

49

herein after directed ; and all military Officers impowered to assess Fines and Forfeitures, are also impowered to judge of and admit reasonable Excuses in Discharge of the Whole or a Part thereof, always having strict Regard to the Rank, Condition and Estate of the Offender or Delinquent, and the Circumstances of the Offence.

26. AND BE IT ENACTED *by the Authority aforesaid*, That the Colonel or commanding Officer of each Regiment or Battalion shall hear and decide upon the Reasons assigned by any other Field-Officer thereof for military Default punishable by Fine ; provided such Reasons be offered within ten Days ; and the Field-Officers of each Regiment or Battalion, or a Majority of them, shall meet at some convenient Time, not exceeding fifteen Days after any regimental Training or Review, or after any Call of the Whole or a Part of such Regiment or Battalion into actual Service, if it may be necessary ; of the Time and Place of which Meeting Notice shall be conveyed by Direction of the Colonel or commanding Officer to all concerned ; and shall then and there hear and decide upon the Excuses of the Captains or commanding Officers of Companies and Staff-Officers. And the Captain or commanding Officer of each Company shall hear and determine upon the Reasons offered by any Subaltern Officer thereof, for military Default punishable by Fine ; provided such Reasons be offered within ten Days ; and the Commission Officers of each Company, or a Majority of them, shall meet at some convenient Time, not exceeding fifteen Days after any Training of the Company, or any Call of a Part or the Whole thereof into actual Service ; of the Time and Place of which Meeting due and seasonable Notice shall be given by Advertisement, ten Days before such Meeting, or otherwise, as the Captain or commanding Officer may think best, and shall then and there hear and decide upon the Excuses of the Non-commission Officers and Privates.

Excuses, who
to decide
upon them.

27. AND BE IT ENACTED, That the Colonel or commanding Officer of each Regiment or Battalion shall, within twenty Days after any Training, or Call of the Whole or a Part thereof into Service, make out or cause to be made out a List for the District of each Company of such Field-Officers, Captains, or commanding Officers of Companies, and Staff-Officers, residing within the Bounds thereof, as have incurred any Fine or Forfeiture, and remain liable to the Payment thereof, and for the Recovery of which no special Provision is herein made, with the Fine or Forfeiture annexed to each Name, which he shall transmit to some Justice of the Peace also residing within the Bounds of such Company, or to some Justice of the same County nearest thereto ; who, on Receipt thereof, shall issue his Warrant to the nearest Constable of the County, for the levying of the said Fines and Forfeitures, with Costs ; which, when recovered, shall be paid to the Collector of the County, for the Use of the State.

List of Officers incurring
Fines, &c. to
be made, &c.

28. AND BE IT FURTHER ENACTED, That the Captain or commanding Officer of each Company shall, within twenty Days after any Training of such Company, or Regimental Review, or after any Call of the Whole or a Part thereof into Service, make out or cause to be made out a List of the Subalterns, Non-commission Officers and Privates, from whom any Fines are due and payable, for the Recovery of which no special Provision is herein made, with the Fines or Forfeitures annexed

Subalterns
and Privates.

annexed to the Names respectively, which he shall transmit to some Justice of the Peace residing within the Bounds of the Company, or to some Justice of the County who may be nearest thereto ; who, upon Receipt thereof, shall proceed as in the last foregoing Section is directed : *PROVIDED ALWAYS, and it is hereby Enacted,* That if, by Reason of a general Call of the Militia, or a large Proportion thereof in any Part of the State, all the Field-Officers of any Regiment or Battalion, or so many of them, or all the Commission Officers of any Company, or so many of them, shall be absent that the Duties required in the four preceding Sections cannot be performed within the Times limited, the same shall be performed as soon thereafter as Circumstances will allow.

Proviso.

Fines of Officers, by whom recovered.

29. AND BE IT ENACTED; That the Fines and Forfeitures of the Colonel or commanding Officer of any Regiment or Battalion shall be demanded and recovered by any Justice of the Peace of the County in which he may reside, at the Instance of the Officer next in Command, or any other commissioned Officer, and paid to the Collector of such County, for the Use of the State.

Minors, &c.

30. AND BE IT ENACTED, That the Fines and Forfeitures of Minors living with their Parents, or others having the proper Care and Charge of them, and those of Apprentices and Servants, shall be paid by their respective Parents, Masters, Mistresses, or such as have the Care and Charge of them, or levied on their Goods and Chattels.

No Distress to be levied on Arms, &c.

31. AND IT IS HEREBY FURTHER ENACTED, That no Distress shall be levied on the Arms, Accoutrements or Ammunition of any Non-commission Officer or Private, unless he shall be possessed of more than are necessary for his own Use and Equipment. And in every Case where no Goods, other than Arms, Accoutrements and Ammunition can be found, or not sufficient whereon to levy Execution, the Offender shall be committed to Gaol till the Fine and Costs are fully paid.

Court of Appeal,

32. AND BE IT ENACTED, That on the Day of each regimental Training or Review, the Colonel or commanding Officer of each Regiment or Battalion shall nominate two Justices of the Peace residing within the Bounds of such Regiment or Battalion, who, together with any one of the Field-Officers of the same, shall constitute a Court for hearing and determining upon Appeals of such Persons as may think themselves aggrieved by any Fines imposed as aforesaid, to continue till the next regimental Training ; and shall also fix the Times of their Meeting, which shall be set up in Writing, or declared to the Regiment or Battalion :

Their Power.

And the said Court, or any two of them, shall have Power to moderate or remit any Fine or Forfeiture, for just and equitable Reasons ; and a Certificate from them, or any two of them, shall entitle the Appellant to receive from the Collector of the County the Sum so remitted : *PROVIDED ALWAYS,* That no Appeal be allowed unless the Money be first paid, and the Appeal prosecuted at the next Meeting of the said Court.

Age disputed.

33. AND BE IT ENACTED, That in all Cases of Doubt respecting the Age of any Person enrolled or intended to be enrolled in the Militia, the Party questioned shall prove his Age, to the Satisfaction of the Officers of the Company within the Bounds of which he may reside, or a Majority of them.

34. AND

WILLIAM LIVINGSTON, Esquire, Governor.

51

34. AND BE IT ENACTED, That every Person enrolled as herein before is directed, intending to remove from the Company to which he may belong, into the Bounds of another within the State, shall, previous to such Removal, apply to the Captain or commanding Officer of the Company from which he is about to remove, who shall give him a Discharge and Certificate, specifying the Time when and how long he was last in Service, which he shall produce to the Captain or commanding Officer of the Company into the Bounds of which he shall so remove, within ten Days after such his Removal, and enrol himself accordingly; and if any Person shall neglect to apply for such Discharge and Certificate, or to produce it and enrol himself as aforesaid, he shall be subject to a Fine of *Five Pounds*, to be recovered before any Justice of the Peace of the County, by any Person who will sue, one Moiety to the Prosecutor, and the other to the Justice, to be by him paid to the Collector of the County, for the Use of the State; and every Person who may be enrolled agreeably to the Description of this Act, removing from any of the neighbouring States into this State, shall, within ten Days after his coming within the Bounds of the Company into which he shall so remove, be enrolled by the Captain or commanding Officer thereof.

Persons removing, to have Certificates.

35. AND, that Detachments of the Militia may on all Occasions be well armed, accoutred and provided; BE IT ENACTED, That the Commission Officers of each Company, or any of them, be, and they hereby are empowered and directed to take by Impressment from such of their Company as have Arms, Accoutrements and Ammunition, and are not at the Time called into Service, a Number and Quantity sufficient to equip and furnish such as are so called, and are destitute thereof, giving Receipts for, and taking Appraisements of the same; and if any Person entrusted with any such Arms, Accoutrements and Ammunition shall, by wilful Neglect or Misuse, lose, endanger or expend the same, the Value thereof shall be recovered from him by the Officer who impressed them, or other Officer of the Company, before any Justice of the Peace of the County, and paid to the Owner; but if the Person entrusted with such Arms, Accoutrements or Ammunition be not of Ability to make Payment, or if the said Arms, Accoutrements or Ammunition be lost, damaged or expended in Action, or by unavoidable Accident, they shall be paid for or made good by the State: PROVIDED ALWAYS, That in order to ascertain that any such Arms, Accoutrements or Ammunition were lost, damaged or expended in Action or by unavoidable Accident, a Certificate, signed by the commanding Officer of the Company or Party in which the Person served when they were so lost, damaged or expended, and setting forth the Fact, shall be produced.

Detachments of Militia, Mode of equipping them.

Provido.

36. AND BE IT ENACTED, That the Colonel or commanding Officer of each Regiment or Battalion shall be, and he hereby is empowered to employ from Time to Time, when necessary, Workmen to repair and clean, and to take the Charge and Care of all publick Arms in the Regiment or Battalion, and to draw on the County Collector for the necessary Expence.

Workmen may be employed to repair Arms.

37. AND BE IT ENACTED, That the Colonel or commanding Officer of each Regiment or Battalion, and the Captain or commanding Officer of any Company be, and each of them hereby is empowered to

Oaths may be administered.

administer an Oath or Affirmation, on any necessary Occasion in the Execution of this Act.

Process, when
not to be
served.

38. AND BE IT ENACTED, That no civil Process shall be served on any Non-commission Officer or Private at any regimental Review or Training of any Company, or while going or returning from the Place of such Review or Training.

Ferriage.

39. AND BE IT ENACTED, That no Officer or Private shall, on the Way to or from the Place of regimental Review or Training of any Company, be obliged to pay more than one third the usual Rate of Ferriage, or be charged any Toll for passing over Toll-Bridges; and if any Ferryman or Keeper of a Toll-Bridge shall presume to refuse a Passage, or to make Demand contrary to the Direction of this Act, he shall, for each Offence, forfeit and pay the Sum of *Three Pounds*, to be recovered by any Person who will sue for the same, one Moiety to the Prosecutor, and the other to the Justice, to be by him paid to the Collector of the County, for the Use of the State.

Militia, how
governed.

40. AND BE IT FURTHER ENACTED, That the Militia of this State, when in actual Service, shall be subject to the Rules and Articles of War established for the Government of the regular Troops of the United States: PROVIDED ALWAYS, That the Militia shall be tried by Courts Martial composed of their own Officers only: AND PROVIDED ALSO, That the Pains and Penalties inflicted by any Court-Martial shall not extend to the taking of Life or Limb, or to any corporal Punishment, unless in the Cases following, *that is to say*, Any Officer or Private who shall hold a treacherous Correspondence with, or give Intelligence to the Enemy, or who shall desert to the Enemy, or who shall misbehave before the Enemy, or shamefully abandon any Post, or who shall speak Words inducing others to offend in any of these Instances, shall, on due Conviction, suffer Death, or such other Punishment as a General or Regimental Court-Martial shall direct.

Pay and Ra-
tions.

41. AND BE IT ENACTED, That the Militia, while in actual Service, shall be entitled to the same Pay and Rations as the regular Forces of the United States.

Bounty.

42. AND WHEREAS the Militia, when called into Service, are not entitled to any Bounty, Arms or Cloathing, at the publick Expence, and therefore their Reward is not equal to that of the regular Troops; BE IT THEREFORE ENACTED, That when the Militia, or any Detachment thereof, are called out on Duty, each Non-commission Officer and Private shall receive *Thirty Shillings* by the Month as a Bounty, over and above the stated Pay, to be drawn from the Treasury by the Paymasters of the Militia from Time to Time appointed; and the Officers whose Duty it may be, are hereby required to make out separate Pay-Rolls of the said Bounty.

Adjutants,
their Rank
&c.

43. AND WHEREAS the Adjutants of the several Regiments of Militia in this State have heretofore held a higher Rank than those in the regular Forces of the United States, which Arrangement may, on many Occasions, if continued, be productive of Difficulty and Inconvenience; BE IT ENACTED, That the Adjutants of each Regiment or Battalion shall

WILLIAM LIVINGSTON, Esquire, Governor. 53

shall henceforward hold the Rank of a Lieutenant, and be entitled to the Pay and Rations of a Captain.

44. AND BE IT ENACTED *by the Authority aforesaid*, That the Troops of Horse Militia already formed agreeably to Law in several Parts of this State, shall be completed and kept up, and that no Troop shall be formed in Addition, except by Act of the Legislature: PROVIDED ALWAYS, That the Officers of any Troop of Horse, who shall not within three Months from the Publication hereof complete the same, shall forfeit their Commissions, and such Troop shall accordingly be disbanded.

Troops of Horse to be kept up;

45. AND BE IT ENACTED, That the Establishment of each Troop of Horse shall be a Captain, a Lieutenant, a Cornet, four Serjeants, a Trumpeter and twenty-nine Privates; and that the Officers shall hold the same Rank respectively with the Officers of the Foot Militia having like Command.

Establishment thereof;

46. AND BE IT ENACTED, That each Non-commission Officer and Private of every Troop of Horse shall at all Times keep himself provided with a good Horse, a Saddle properly furnished with Cloth, Breast-plate and Pad, a double reined Bridle, a Carbine, and Belt with a running Swivel, a Pair of Pistols and Holsters, a Cartridge-box, with twelve Rounds of Cartridges sized for his Carbine and Pistols, a Sword and Belt, Boots and Spurs, a Cloak which will cover all the Arms and Accoutrements, with such other Articles of Armour and Furniture, made in like Form and manner as are usual and accustomed in the Equipment of Cavalry; and shall also keep at his Place of Abode one Pound of good merchantable Gun-powder and three Pounds of Ball, sized to his Carbine and Pistols, under the Penalty of forfeiting *Six Pounds* for the Want of a Horse, *Thirty Shillings* for the Want of a Saddle and Bridle, *Twenty Shillings* for the Want of a Carbine or Pistols, and *Five Shillings* for the Want of any other necessary Article, whenever called out to Training or Service.

And how to be equipped;

47. AND BE IT ENACTED, That each Troop of Horse shall be under the Command and Direction of the Colonel or commanding Officer of the Regiment or Battalion within the Bounds of which the Captain or commanding Officer of such Troop may reside, and shall assemble for Training and Exercise, and in case of Alarm or other Exigency, with such Regiment or Battalion, and in all other Respects, except as is before specified and declared, shall be under the same Regulations with the Companies of Foot Militia.

By whom commanded.

48. AND BE IT ENACTED, That each Horseman, when in actual Service, shall be allowed *Two Shillings and Six-pence* by the Day, as a Compensation for the Use of his Horse.

Compensation for Horses.

49. AND BE IT FURTHER ENACTED, That no Minor, Apprentice or Servant shall be allowed to enter himself into any Troop of Horse or Company of Artillery, without the Consent of those under whose Government, Care or Direction such Minor, Apprentice or Servant may be; and generally, no Person who is not able to provide himself with the Furniture and Equipment of a Horseman, shall be allowed to enter himself into any such Troop.

Apprentices not suffered to enter, unless, &c.

50. AND

Companies of
Artillery to
be kept up,

50. AND BE IT ENACTED *by the Authority aforesaid*, That the Companies of Artillery already formed agreeably to Law, in several Parts of the State, shall be completed and kept up; and their Establishment of Officers and Privates, and also their Equipment, shall be conformable to the Establishment and Equipment of Artillery Companies in the regular Forces of the United States; and the Officers shall hold the same Rank respectively with the Officers of the other Militia having like Command; and moreover the Fines and Forfeitures inflicted on the Officers and Privates for any Default, shall be similar to those inflicted on the regimented Militia.

By whom
commanded.

51. AND BE IT FURTHER ENACTED, That each Company of Artillery shall be under the Command and Direction of the Colonel or commanding Officer of the Regiment or Battalion within the Bounds of which the Captain or commanding Officer may reside, and shall assemble with the same, as is herein before provided, with respect to the Troops of Horse, and in all other respects, except as is herein before excepted and declared, shall be under the same Regulations with the Companies of the other Militia, as far as Circumstances will admit.

Justices re-
ceiving Fines,
to keep Ac-
counts, &c.

52. AND BE IT ENACTED *by the Authority aforesaid*, That every Justice of the Peace within this State, who shall receive any Fines or Forfeitures as aforesaid, shall keep an exact Account of the same, and shall, once in four Months at least, pay to the Collector of the County the Sums of Money so by him received, deducting as a Compensation for his Trouble *Six-pence* in the *Pound*; and any Justice of the Peace who shall neglect to keep such Account and make such Payment, or who shall neglect or refuse to do any Duty, Matter or Thing enjoined on him by this Act, shall, for each Offence, be liable to a Fine of *Twenty Pounds*, to be recovered by the Collector of the County, to and for the Use of the State, in any Court having Cognizance thereof, and shall also on every Default of Payment be subject to an Action of Debt at the Suit of the said Collector, on Behalf of the State, for Recovery of the Sum detained, with Costs.

County Col-
lector to
keep Ac-
counts, &c.

53. AND BE IT FURTHER ENACTED, That the Collector of each County shall keep a true and fair Account of all Monies by him received in Virtue of this Act, and, after Payment, of all Sums remitted on Appeal as aforesaid, and deducting *Three-pence* in the *Pound* for his Trouble, shall pay the Balance remaining in his Hands into the Treasury, on or before the first Day of *November*, yearly and every Year. And if the Collector of any County shall neglect to keep such Account and make such Payment, he shall be liable to a Fine of *Fifty Pounds*, to be recovered by the Treasurer, in any Court of Record, to and for the Use of the State, and shall moreover be subject to an Action of Debt at the Suit of the Treasurer, on Behalf of the State, for Recovery of the Sum detained, with Costs.

Justice's and
Constable's
Fees.

54. AND BE IT ENACTED, That a Justice of the Peace shall be entitled to *One Shilling* for each Warrant of Distress granted for any Purpose of this Act, and a Constable shall be entitled to *Five Shillings* for Execution thereof; which Fees shall be levied with the respective Fines and Forfeitures.

55. AND

WILLIAM LIVINGSTON, Esquire, Governor.

55

55. AND WHEREAS in some Townships, Precincts and Wards of this State, Constables may not have been regularly chosen, or having been chosen, may refuse to act, by which Means the Execution of this Law may be impeded and avoided; BE IT THEREFORE ENACTED, That where there is no Constable, or the Constable or Constables may refuse to act, it shall and may be lawful to and for any Justice of the Peace to direct his Warrant to any Non-commission Officer or Private of the Militia, who is hereby empowered and enjoined to execute the Office of a Constable for any Purpose of this Act; and the said Non-commission Officer or Private shall receive the like Fees, and be subject to the like Fines and Forfeitures for Refusal or Neglect of Duty, as a Constable in the like Case might and ought to receive and be subject to.

Constable refusing to act, &c. who to supply his Place.

56. AND WHEREAS Justice and Equity requires, that those who are exempted from actual Service in the Militia, should by pecuniary Means contribute in a full Proportion to render the Burden of the public Service equal, and to provide for the Support and Defence of the State; BE IT FURTHER ENACTED, That upon and out of the Estates Real and Personal of those who are exempted from actual Service as aforesaid, on Account of Age, Inability of Body, Office or otherwise, there shall yearly and every Year, during the Continuance of this Act, be levied and collected, over and above all other Taxes, *Six-pence in the Pound* Value, with the like Sum on Certainties as was levied and collected in the Year wherein *Twelve Thousand Five Hundred Pounds* was raised, agreeably to and under the same Penalties as are expressed in an Act, intitled, *An Act to settle the Quotas of the several Counties in this Colony for the levying Taxes*, passed the sixth Day of *December*, One Thousand Seven Hundred and Sixty-nine: PROVIDED ALWAYS, That every Person exempted as aforesaid, who shall at his own Expence fit out and keep properly equipped and accoutred, as directed by this Act, two Sons, Apprentices or Servants, such Sons being under Age, and living in his Service, shall on that Account be released from this Tax; and every Person who shall so fit out and keep equipped and accoutred one Son, Apprentice or Servant, such Son being under Age, and living in his Service, shall be subject to the Payment of Half such Tax only.

Exempts to pay a Tax.

57. AND BE IT ENACTED by the Authority aforesaid, That the Monies passing into the Treasury by Virtue of the Directions of this Act, shall be appropriated as a Fund for the Benefit and Relief of such Officers and Privates of the Militia of this State as are wounded and disabled, and of the Widows and Children of such as fell in Battle, or otherwise lost their Lives in the Service of the State, and to such other Purposes as the Legislature may direct.

Appropriation of certain Monies.

58. AND WHEREAS several Persons have for necessary Purposes from Time to Time been exempted from Enrolment, military Duty, or the Tax levied on Exempts as aforesaid, by particular Acts of the Legislature; BE IT ENACTED by the Authority aforesaid, That the Persons so exempted shall continue to enjoy the Immunities granted to them respectively, as far and as long as the said Acts may extend and continue the same, any Thing in this Act contained to the contrary notwithstanding.

Exemption continued.

59. AND BE IT FURTHER ENACTED, That no Person, not being a Subject of this State, or of any of the United States, who already has de-

Deferters, &c. not to be enrolled.

ferted or hereafter may desert from the Enemy in the Course of the present War, shall be enrolled in any Company of Militia of this State.

Act, &c. repealed.

60. AND IT IS HEREBY FURTHER ENACTED AND DECLARED, That the Act, intituled, *An Act for the better regulating of the Militia*, passed the fifteenth Day of *March*, One Thousand Seven Hundred and Seventy-seven, and the three several Acts supplementary thereto, be, and they hereby are repealed and made void.

Passed at Princeton, April 14, 1778.

C H A P. XXIII.

An ACT to raise a Fund by Taxation for discharging the Debts and defraying the necessary Expences of the State of New-Jersey.

Preamble.

WHEREAS Provision ought to be immediately made for supporting the Government of this State, and for discharging the Debts and necessary Expences thereof; the most proper and equitable Means of effecting which will be by a Tax on the Inhabitants: AND WHEREAS by the late Ravages and Devastations committed by the Enemy in the State, and their present Vicinity to many Parts of it, divers of the Counties are so depopulated and impoverished, that the Quotas formerly settled for each are disproportionate, and therefore laying a definite Rate on the *Pound* Value of Estates, and a fixed or limited Sum on sundry Articles usually called Certainties, is the best Mode at this Time of levying the said Tax;

Taxes, on whom and what levied.

SECT. I. BE IT THEREFORE ENACTED by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That the said Tax shall be assessed, levied and raised on the several Inhabitants of this State, their Lands and Tenements, Goods and Chattels, in Manner following, *that is to say*,

All Householders, the Tax of whose rateable Estate, exclusive of Certainties, does not amount to *Twenty Shillings*, shall be rated at the Discretion of the respective Assessors and chosen Freeholders, not under *Five Shillings* nor above *Five Pounds*.

All Merchants, Traders and Shopkeepers shall, for their Stores and Shops, exclusive of other Estate, be rated at the Discretion of the respective Assessors and chosen Freeholders, not under *Ten Shillings* nor above *Twenty Pounds*.

Every Ferry shall be rated at the Discretion of the respective Assessors and chosen Freeholders, not above *Ten Pounds*.

Every single Man, whether he lives with his Parents or otherwise, who keeps a Horse, Mare or Gelding, shall be rated at the Discretion of the respective Assessors, not under *Twenty-five Shillings* nor above *Fifty Shillings*.

Every single Man, whether he lives with his Parents or otherwise, who does not keep a Horse, Mare or Gelding, shall be rated at the Discretion of the respective Assessors, not under *Fifteen Shillings* nor above *Thirty Shillings*: